

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A method of transmitting a plurality of data packets from a server computer to at least one client computer, the method comprising:

determining ~~one or more system conditions~~ a server load of the server computer; and
~~increasing, in response to determining the server load system conditions, the size of one or more data packets that are to be transmitted from the server computer to a client computer,~~
accumulating data packets into an aggregated data packet until the size of the aggregated data packet exceeds a minimum threshold without exceeding a maximum threshold, and wherein the size of the minimum threshold or the maximum threshold is related to the server load.

2. (Cancelled).

3. (Currently Amended) The method of Claim 1, wherein determining the server load comprises comparing the number of data packets that are overdue to the total number of data packets.

4. (Currently Amended) The method of Claim 1, wherein determining the server load comprises comparing the number of network events processed by a server program that is executing on the server computer due to exceeding a time out threshold to the total number of network events that the server program processes.

5. (Original) The method of Claim 4, wherein the network events are selected from the group comprising: a play command, a pause command, a seek command, a ping command, and a re-send command.

6. (Currently Amended) The method of Claim 1, wherein the server load is based at least in part upon the actual transmission rate between the server computer and the client computer.

7. (Cancelled).

8. (Original) The method of Claim 1, wherein the data packets are not increased larger than the size of a maximum transmission unit for any intermediary network device that is in the transmission path between the server computer and the client computer.

9. (Cancelled).

10. (Cancelled).

11. (Currently Amended) The method of Claim 1, wherein the minimum threshold is about 200 bytes and wherein the maximum threshold is about 300 bytes.

12. (Currently Amended) The method of Claim 1 +0, wherein the minimum threshold is about 700 bytes and wherein the maximum threshold is about 1000 bytes.

13. (Currently Amended) The method of Claim 1 +0, wherein the minimum threshold is about 1000 bytes and wherein the maximum threshold is about 1350 bytes.

✓14. (Cancelled).

15. (Original) The method of Claim 1, additionally comprising increasing or decreasing the number of channels that are used to transmit the streamable data objects.

16. (Original) The method of Claim 1, additionally comprising either increasing or decreasing the frequency of transmission of one or more data packets that are used to transmit the streamable data objects.

17. (Currently Amended) A server computer for transmitting data packets via a communications network, the server computer comprising:

a plurality of data packets; and

a server program for determining a server load and for, in response to determining the server load ~~system conditions~~, repackaging at least two of the data packets into a single data packet; and transmitting the data packets to a communications network, wherein the size of the single data packet exceeds a minimum threshold without exceeding a maximum threshold, and wherein the size of the minimum threshold or the maximum threshold is dependent on the load of the server computer.

18. (Original) The system of Claim 17, wherein the data packets collectively comprise a streamable data object.

✓19. (Cancelled).

20. (Currently Amended) The system of Claim 17 +9, wherein determining the server load comprises comparing the number of data packets that are overdue to the total number of data packets.

21. (Currently Amended) The system of Claim 17 +9, wherein determining the server load comprises comparing the number of network events processed by a server program that is executing on the server computer due to exceeding a time out threshold to the total number of network events that the server program processes.

22. (Original) The system of Claim 17, wherein the one or more network events is selected from the group comprising: a play command, a pause command, a seek command, a ping command, and a re-send command.

✓ 23. (Cancelled).

24. (Original) The system of Claim 17, additionally comprising, in response to determining the system condition, increasing the number of channels that are used to transmit the streamable data objects.

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25. (Original) The system of Claim 17, additionally comprising, in response to determining the system conditions, either increasing or decreasing the frequency of transmission of one or more data packets.

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DI } 26. (Currently Amended) A system for transmitting data packets from a server computer to at least one client computer, the system comprising:

means for determining a server load ~~one or more system conditions~~; and

means for, in response to determining the system conditions, increasing the size of one or more data packets that are transmitted from a server computer to a client computer, wherein the size exceeds a minimum threshold without exceeding a maximum threshold, and wherein the size of the minimum threshold or the maximum threshold is dependent on the load of the server computer.

✓ 27. (Cancelled).

28. (Currently Amended) A system for aggregating data packets, the system comprising:

a plurality of data packets that collectively comprise one or more streamable data objects; and

a server computer operably connected to a client computer via a network, the server computer transmitting the data objects to the server computer, the server computer periodically determining, based upon the load of the server computer, whether to aggregate one or more of the data packets into an aggregated data packet, wherein the size of the aggregated data packet exceeds a minimum threshold without exceeding a maximum threshold, and wherein the size of the minimum threshold or the maximum threshold is dependent on the load of the server computer.

29. (Original) The system of Claim 28, wherein determining the server load comprises comparing the number of data packets that are overdue to the total number of data packets

30. (Original) The system of Claim 28, wherein determining the server load comprises comparing the number of network events processed by a server program that is executing on the server computer due to exceeding a time out threshold to the total number of network events that the server program processes.

31. (Original) The system of Claim 30, wherein the network events are selected from the group comprising: a play command, a pause command, a seek command, a ping command, and a re-send command.

32. (Original) The system of Claim 28, wherein the server load is based at least in part upon the actual transmission rate between the server computer and the client computer.

33. (Original) The method of Claim 28, wherein the data packets are not aggregated larger than the size of a maximum transmission unit for any intermediary network device that is in the transmission path between the server computer and the client computer.

✓ 34. (Cancelled).

35. (Currently Amended) The method of Claim 28 34, wherein the size of the minimum threshold relates to a quality of presentation of the streamable data objects and the maximum threshold relates to a maximum transmission unit.

✓ 36. (Cancelled).

37. (Currently Amended) The system of Claim 28 36, wherein the minimum threshold is about 200 bytes and wherein the maximum threshold is about 300 bytes.

38. (Currently Amended) The system of Claim 28 36, wherein the minimum threshold is about 700 bytes and wherein the maximum threshold is about 1000 bytes.

39. (Currently Amended) The system of Claim 28 3636, wherein the minimum threshold is about 1000 bytes and wherein the maximum threshold is about 1350 bytes.

40. (Currently Amended) A method of aggregating data packets, the method comprising:

determining, based upon the load of a server computer, whether to aggregate one or more of the data packets into an aggregated data packet, wherein the size of the single data packet exceeds a minimum threshold without exceeding a maximum threshold, and wherein the size of

the minimum threshold or the maximum threshold is dependent on the load of the server computer; and

transmitting the aggregated data packet to a client computer.

41. (Original) The method of Claim 40, wherein the data packets are not aggregated in an aggregated data packet larger than the size of a maximum transmission unit for any intermediary network device that is in the transmission path between the server computer and the client computer.

42. (Original) The method of Claim 40, wherein determining the server load comprises comparing the number of data packets that are overdue to the total number of data packets.

43. (Original) The method of Claim 40, wherein determining the server load comprises comparing the number of network events processed by a server program that is executing on the server computer due to exceeding a time out threshold to the total number of network events that the server program processes.

44. (Original) The method of Claim 40 43, wherein the network events are selected from the group comprising: a play command, a pause command, a seek command, a ping command, and a re-send command.

45. (Original) The method of Claim 40, wherein the server load is based at least in part upon the actual transmission rate between the server computer and the client computer.

✓ 46. (Cancelled).

✓ 47. (Cancelled).

48. (Currently Amended) The method of Claim 40 47, wherein the minimum threshold is about 200 bytes and wherein the maximum threshold is about 300 bytes.

49. (Currently Amended) The method of Claim 40 47, wherein the minimum threshold is about 700 bytes and wherein the maximum threshold is about 1000 bytes.

50. (Currently Amended) The method of Claim 40 47, wherein the minimum threshold is about 1000 bytes and wherein the maximum threshold is about 1350 bytes.

51. (Currently Amended) The method of Claim 40 46, wherein the size of the minimum threshold relates to a quality of presentation of the streamable data objects and the maximum threshold relates to a maximum transmission unit.

✓ 52. (Cancelled).

✓ 53. (Cancelled).

✓ 54. (Cancelled).

55. (Currently Amended) A method of transmitting a plurality of data packets from a server computer to at least one remotely located client computer via a network, the method comprising:

determining, in a server device, a maximum transmission unit value of an intermediary network device between a client device and the server device, the maximum transmission unit value identifying a largest packet size that is transported by the intermediary network device; and

generating a data packet with a size of the data packet being no larger than the maximum transmission unit value.

~~determining one or more system conditions of the server computer; and~~

~~decreasing the size of the data packets that are packaged in the server computer for transmission to the at least one remotely located client computer via the network.~~

56. (Currently Amended) ~~The method of Claim 55, wherein determining one or more system conditions comprises determining a server load that is associated with the server computer~~The method of Claim 55, wherein the size of the data packet is not larger than the size of a maximum transmission unit for any intermediary network device that is in the transmission path between the server device and the client device.

57. (Currently Amended) The method of Claim 55, additionally comprising transmitting the packet from the server device to the client device via the Internet ~~wherein determining the server load comprises comparing the number of data packets that are overdue to the total number of data packets.~~

✓ 58. (Cancelled).

✓ 59. (Cancelled).

✓ 60. (Cancelled).

61. (Currently Amended) A computer readable media storing instructions that when executed performs the steps comprising:

determining, in a server device, a maximum transmission unit value of an intermediary network device between a client device and the server device, the maximum transmission unit value identifying a largest packet size that is transported by the intermediary network device; and

building a data packet, the size of the data packet being based at least in part on the load of the server device and the size of the data packet being no larger than the maximum transmission unit value

~~determining one or more system conditions of the server computer; and
increasing, in response to determining the system conditions, the size of the one or more data packets that are transmitted for a server computer to a client computer.~~

62. (Currently Amended) The computer readable media method of Claim 61, wherein the size of the data packet is not ~~data packets are not increased~~ larger than the size of a maximum transmission unit for any intermediary network device that is in the transmission path between the server device ~~computer~~ and the client device ~~computer~~.

63. (Currently Amended) The computer readable media of Claim 61, additionally comprising transmitting the packet from the server device to the client device via the Internet ~~method of Claim 61, wherein the data packets are aggregated in an aggregated data packet until the size of the aggregated data packet exceeds a minimum threshold without exceeding a maximum threshold.~~

64. (New) A method comprising:

determining, in a transmitting device, a maximum transmission unit value of an intermediary network device between a receiving device and the transmitting device, the maximum transmission unit value identifying a largest packet size that is transported by the intermediary network device;

generating a data packet with a size of the data packet being based at least in part on the load of the server device and the size of the data packet being no larger than the maximum transmission unit value; and

transmitting the data packet to the receiving device via at least in part the intermediary device.

65. (New) The method of Claim 64, wherein the size of the data packet is not larger than the size of a maximum transmission unit for any intermediary network device that is in the transmission path between the server device and the client device.

66. (New) The method of Claim 64, wherein the data packet contains video information.

67. (New) A method comprising:

determining, in a transmitting device, a maximum transmission unit value of an intermediary network device between a receiving device and the transmitting device, the maximum transmission unit value identifying a largest packet size that is transported by the intermediary network device during a time period;

aggregating data packets until the data packets exceed a certain minimum threshold, the size of the aggregated data packets being no larger than the maximum transmission unit value; and

transmitting the aggregated data packet to the receiving device via at least in part the intermediary device.

68. (New) The method of Claim 67, wherein the size of the data packet is not larger than the size of a maximum transmission unit for any intermediary network device that is in the transmission path between the server device and the client device.

69. (New) The method of Claim 67, wherein the data packet contains video information.